



City of Richmond

Report to Committee

To Parks, Recreation & Culture - Apr 29/08

To: Parks, Recreation and Cultural Services Committee
From: Andrew Nazareth, General Manager, Business & Financial Services
Re: Bell Mobility Inc. Telecommunications Proposal at Hugh Boyd Park, 9751 Pendleton Road

Date: April 8, 2008
File: 06-2280-20-181/Vol 01
03-1000-14-131

Staff Recommendation

That:

- 1. A license from the City to Bell Mobility Inc. to develop and use a portion of Hugh Boyd Park for the development of a cell tower and related infrastructure be approved as detailed in the staff reports dated November 14, 2006 and April 8, 2008 and other terms as deemed necessary by the City; and
2. Staff be authorized to take all necessary steps to complete the matter including authorizing the Manager, Real Estate Services, to negotiate and execute all documentation to effect the transaction, including all license documentation.

Handwritten signature of Andrew Nazareth

Andrew Nazareth
General Manager, Business and Financial Services
(4095)

Att. 2

FOR ORIGINATING DEPARTMENT USE ONLY
ROUTED TO: CONCURRENCE CONCURRENCE OF GENERAL MANAGER
Engineering Y [X] N []
Law Y [X] N []
Parks Planning, Design & Construction ... Y [X] N []
REVIEWED BY TAG YES [X] NO []
REVIEWED BY CAO YES [X] NO []

Staff Report

Findings Of Fact

Bell Mobility Inc. ("Bell") proposed incorporating cell towers at both Hugh Boyd and King George Parks. At its meeting of December 11, 2006, Council approved the following:

1. *That Staff be directed to authorize Bell Mobility Incorporated to initiate a public consultation process for the potential installation of a telecommunications apparatus at the Hugh Boyd Pitch & Putt Park and at King George Park;*
2. *That staff be directed to report back to the Parks, Recreation & Cultural Services Committee with the results of the public consultation process undertaken by Bell Mobility along with recommendations for potential next steps; and*

This report specifically details the results of the public consultation process at Hugh Boyd Park as City plans for the redevelopment of King George Park may have an impact of the siting of any future potential cell tower.

Analysis

Public Consultation Process

Bell has provided staff with the following information with respect to the public consultation that they completed:

1. All households within 300 metres of the proposed towers received notification (see Attachment 1);
2. 679 public notifications to install communication poles at both Hugh Boyd and King George Parks were delivered on March 3, 2007;
3. Of the 679 total notifications, approximately 500 were directly related to Hugh Boyd Park; and
4. Only one email response was received from a resident on Pendleton Road relating to potential health concerns.

From the results noted above, staff feel that the public has been properly informed and from this process and feel that there is no public impediment to the installation of a cell tower by Bell at the proposed Hugh Boyd Park location.

Next Steps

Staff have been in further discussions with Bell as to the physical aspects of the project. Specifically, Bell has proposed the following works:

1. To remove an existing light pole, replace it with a 30 metre tower pole and install cellular 10 antennae on the top of the pole. The pole will require a very substantial concrete base. The antennae to be installed are to be of the variety that are affixed very close to the tower itself and not in the more traditional extended versions;

2. To build a wood fenced enclosure of approximately 18 feet by 11 feet around the tower (see Attachment 1a) that will also house Bell's telecommunications infrastructure and associated electrical works plus an extended area underground (to the west under the tennis courts and south under the park) as part of the foundation for the tower and for grounding of the works;
3. To power the works, Bell requires the following underground works:
 - a. access to a major power source, which in this case is proposed to come from across the property adjacent to the park and owned by the Richmond School District (to the northwest of the proposed tower location); and
 - b. backup power by way of a generator that can be "rolled" in during emergency power outages and be placed to the south of the proposed tower location alongside the caretaker building (at the southeast corner of the tennis courts);
4. No underground conduits for telecommunications infrastructure are required outside of the tower enclosure area. However, the tower will incorporate direct point to point communication antennae to relay all Bell's telecommunications needs.

Staff note that the fenced enclosure will butt up against the northeast fence line of the tennis courts. Thus, to complete this installation, and primarily to construct the base of the monopole, a section of the tennis court fencing will have to be temporarily removed and portions of the tennis court surface removed. As well, other portions of the tennis court fencing may need removal to permit the pole to be delivered to its permanent location on this site. All of the preceding will require that the tennis courts be closed for a period of time to permit this construction and installation. Staff have been assured by Bell that there will be no damage to any trees with this installation. According to Bell, this work will likely take in the order of 30 days.

The trenching required to install the underground electrical conduit for the BC Hydro power runs north then west along the outside of the east and north sides of the tennis court fencing and the underground electrical conduit for the backup generator power runs south along the outside of the east side of the tennis court fencing to the caretaker facility. Bell believes that all trenching can be completed without having to remove any of the tennis court fencing. According to Bell, this work will likely take about 2 days.

As of the date of this report, staff note that Bell has yet to make contact with The Board of Education of School District No.38 (Richmond) (the "School District") as to Bell's ability to cross onto the School District's property in order to connect to BC Hydro. Staff have taken the position that a license agreement for the tower cannot be executed until such time as the approval of the School District has been received.

Staff recognize that the tennis courts cannot be closed during peak season, which is from May to September, thus any works by Bell would have to be delayed until such time.

The primary financial business terms were generally agreed to between the parties in fall 2006, at rates of \$14,500 per annum for the first five years and \$16,000 per annum for the second five years, plus an additional cash allowance of \$30,000. Staff feel that market rental levels for cell

tower installations are currently in excess of these amounts. Staff therefore recommend that the rental rates and cash allowance be renegotiated to achieve better financial results for the City.

Following are staff's expectations of next steps:

1. Work with Parks and Engineering to finalize the terms of construction to be permitted on the lands;
2. Negotiate a non-exclusive license agreement based on the business terms outlined in the November 14, 2006 staff report (see Attachment 2), which will include, but not be limited to, the following additional terms:
 - a. Renegotiate the rental rates and cash allowance amount;
 - b. Bell to detail by survey the area to be utilized by Bell for both its tower enclosure, the tower base, the grounding layout and any conduit runs, including depth as to be required by the City;
 - c. Bell to detail the effect on the tennis courts and fencing, to identify the areas to be affected and how they will replace to a like or better condition than existing, which may include full replacement as opposed to a simple replacement of a "sawcut" area as detailed in the proposed plans, and details of future replacements required should any of the works need repair, maintenance or replacement, with particular reference to the tower foundation and grounding that are to be sited underneath a portion of the tennis courts;
 - d. All works are to be fully approved and permitted by the appropriate regulatory authorities, which may include the City of Richmond, the airport authority, etc.;
 - e. To indemnify the City and release it from and against any and all losses, claims, actions, damages, etc., caused by the installation and future operation and removal;
 - f. Bell to replace at its sole cost and expense any landscaping or trees as required by the City in its sole discretion;
 - g. The City and Bell to determine an appropriate specific location for the provisioning of a backup generator should one be required by Bell and any limitations to be placed upon Bell for and during such use;
 - h. The City having rights to terminate the license before the end of the term for reasons including but not limited to: if there are any health or safety concerns as determined in the City's sole discretion; if Bell's telecommunications transmissions in any way have an effect on the City's telecommunications infrastructure as determined in the City's sole discretion; and if after the 10th year of the Term the City intends to redevelop the lands or use the lands for other City purposes;

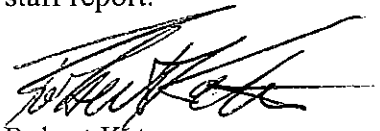
- i. The license will not grant Bell any property interest in the lands and will not be registered against the title to the lands;
 - j. If there is room available on the tower to be erected by Bell on the lands, the City may require that another cell provider be able to make use of the tower for its business purposes provided that the terms and conditions of such use (including a payment to Bell) are satisfactory to Bell and to the City;
 - k. The tower (and all related installations whether above or below ground) shall immediately become the property of the City upon the expiry or earlier termination of the license unless the City specifically elects to require Bell to remove either such tower and or related installations and thereafter make good any damage caused (during the term of the licence, the tower and such installations shall be deemed to be owned by Bell); and
 - l. A work area license may also be required;
3. Bell to secure access to the School District's property to satisfy Bell's power requirements prior to any further license negotiations. (Bell must obtain power from BC Hydro directly and not take any power from the City's infrastructure on the park); and
 4. Timing of Bell's construction to be dictated by Parks.

Financial Impact

There are no negative changes to the financial aspects of this transaction as were presented to Council at the Council Meeting of December 11, 2006 with the exception that the revenue generated from this transaction will be to the account of general revenues in accordance with the staff report dated April 2, 2007 as presented to the General Purposes Committee on May 22, 2007. However, as staff have recommended renegotiating the rental terms of the transaction there could be a positive financial impact to the City.

Conclusion

That staff proceed with license negotiations with Bell for the development of a cell tower in Hugh Boyd Park on the condition that they satisfy certain requirements as detailed within this staff report.



Robert Kates
Manager, Real Estate Services
(604-276-4212)

RK

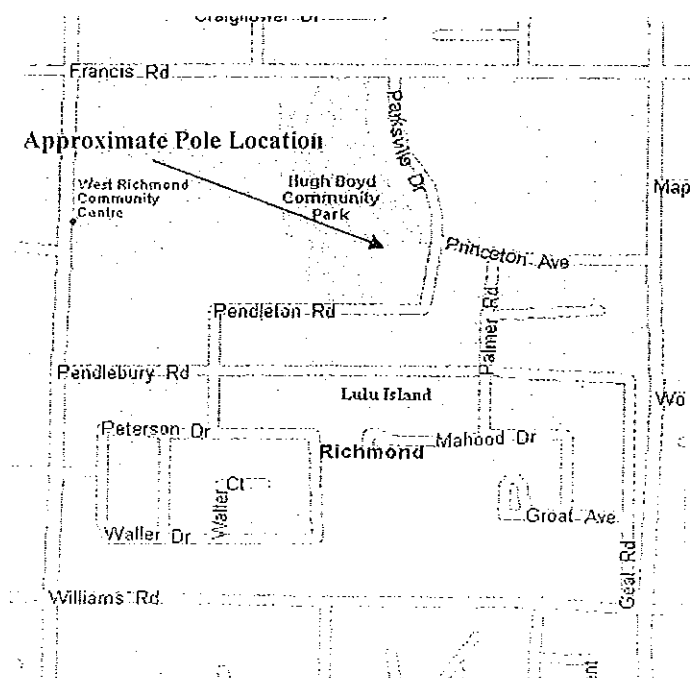
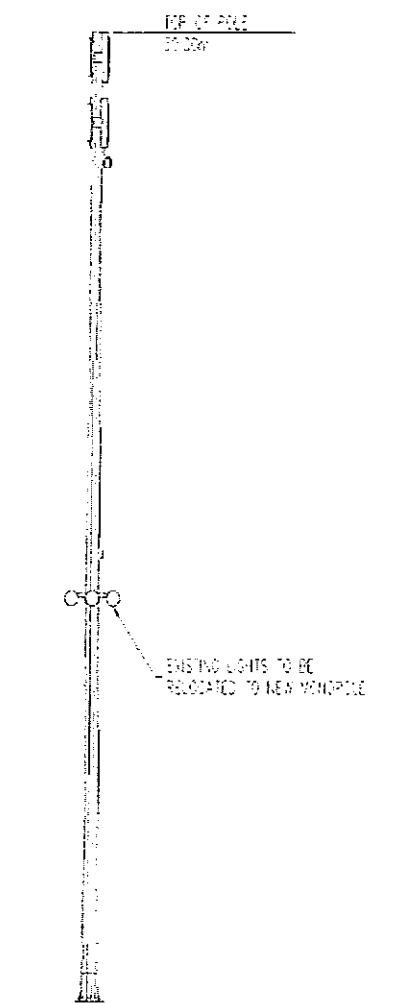


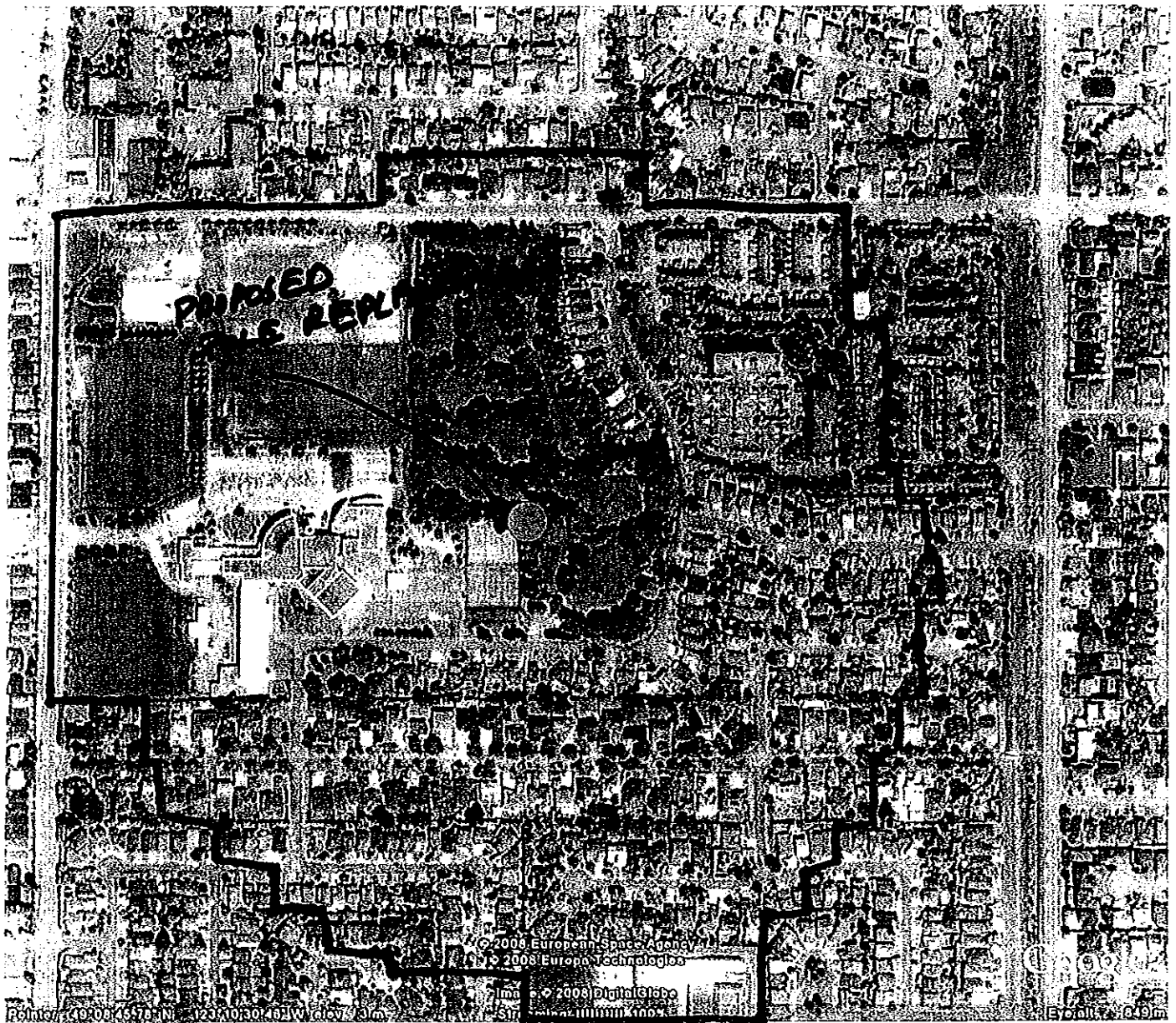
NOTICE

Bell Mobility, in cooperation with the City of Richmond, proposes to install a communications pole at Hugh Boyd Park to improve wireless coverage within the community. The 30 metre high pole is proposed to replace an existing tennis court light pole with a new pole housing both lighting and wireless antennas at the northeast corner of the tennis courts (see location plan).

Should you have any comments or concerns regarding the project please contact Chad Marlatt by phone at 604-678-4064, fax 604-678-4066 or email chad.marlatt@bell.ca by Monday March 19th, 2007.

Pole Elevation







City of Richmond

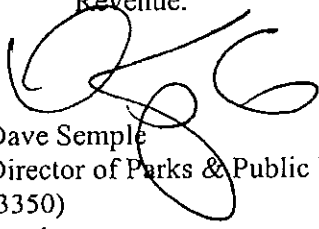
Report to Committee

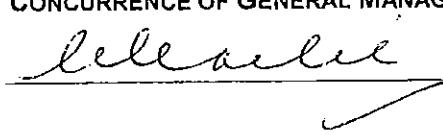

To: Parks, Recreation and Cultural Services Committee
From: Dave Semple
 Director of Parks & Public Works
Re: **Bell Mobility Incorporated Telecommunications Apparatus Proposal for Hugh Boyd Pitch & Putt and King George Park**

Date: November 14, 2006
File: 11-7200-20

Staff Recommendation

1. That Staff be directed to authorize Bell Mobility Incorporated to initiate a public consultation process for the potential installation of a telecommunications apparatus at the Hugh Boyd Pitch & Putt Park and at King George Park;
2. That staff be directed to report back to the Parks, Recreation & Cultural Services Committee with the results of the public consultation process undertaken by Bell Mobility along with recommendations for potential next steps; and
3. That the revenue realized through the Bell Mobility agreement be directed to General Revenue.


 Dave Semple
 Director of Parks & Public Works
 (3350)
 Att. 1

FOR ORIGINATING DIVISION USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Land Management.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Finance.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> GJS	NO <input type="checkbox"/>	REVIEWED BY CAO
			YES <input checked="" type="checkbox"/> 
			NO <input type="checkbox"/>

Staff Report

Origin

With the recent success of the Rogers Wireless Inc.'s cellular monopole installation and the revenue received by the City of Richmond, which assisted in the development of Hugh Boyd's Artificial Turf field, Staff has now received a comparable proposal from Bell Mobility Inc.

The City has had discussions with Bell since early 2005. Bell has determined that there are gaps for cellular transmissions signal reception at several areas in Richmond. The areas suggested by Bell with poor signal reception include the Bridgeport, Cambie, East Richmond, Seafair, and the Steveston planning areas. With the potential installation of two new cellular communications poles at these locations, service improvements would be realised, and a result would be enhanced communications availability for clients, including the City.

Bell's proposal to the City is for the installation of a cellular communication pole at both Hugh Boyd and King George Park on sports field lighting poles. The City's revenue from this proposal would be in the amount of \$372,500 for the initial 10 year agreement.

The purpose of this report is to present Bell's proposal (Attachment 1) for information, and to seek approval to authorize Bell to initiate a public consultation process for the proposed locations.

Analysis

Bell Mobility's Proposal

The proposed installation would consist of one high mast telecommunication pole at the two park sites, approximately 100 feet in height and designed in accordance with the City's overall lighting plan and subjected to the necessary approvals, bylaws, permits, and design standards.

The proposed poles would also serve as a component to the sport lighting system at both Hugh Boyd and King George Park. This would provide further cost savings to the City since the existing sports light poles can be used at other sites that may require lighting.

At Hugh Boyd, the proposed location would be within the Pitch & Putt's Caretakers facility, strategically surrounded by mature trees and the existing tennis courts.

Comparably, King George's proposed location would be between the existing old community hall, the full size soccer sports field/softball diamond and the future community garden.

In 2005 and 2006, the City endorsed a similar proposal from Rogers Wireless Inc. for the installation of an integrated telecommunication/sports field light pole at the new Artificial Turf field at Hugh Boyd. The revenue from the installed pole/agreement has been directed towards the special sports reserve subfund.

Proposed Bell Mobility Incorporated Public Consultation Process

Prior to further review of the proposal from Bell, staff is in support of Bell's proposal to initiate a neighbourhood public consultation process to seek public feedback on the proposed cellular/sports field light tower proposal. Bell's consultation process is similar to those undertaken in other municipalities, and includes a project mail-out informational notice to residents living within the respective community park site area and could also involve an open house session to allow for community feedback.

The notice would provide an independent study and other detail information regarding the proposal and public safety in proximity to the cellular transmission poles. In addition, the notice will allow residents to respond with their comments to the City regarding this proposal.

Installation and Expiration of Agreement

If approved, Bell will be responsible for all costs associated with the design, supply, construction, and maintenance of this cellular transmission pole and all of its equipment. Upon the expiry of the license agreement term, Bell will remove all components that are associated with their communication equipment; however, if applicable, the pole or a new replacement pole and all of the lighting system components associated with it will remain the property of the City.

License and Initial Term

Bell will sign a non-exclusive license agreement with the City of Richmond for a non-exclusive licence spanning 10 years from the commencement of the installation of the Bell equipment. During the final year of the term, the parties may elect to enter into negotiations for a further term of up to 10 years at market rent and on such other terms and conditions as the parties agree to at the time.

Proposed Fees

Bell will pay the City a lump sum payment in the amount of \$212,500 at the commencement of the term (in 2007) and then an annual payment of \$32,000 starting from 2012 and until 2017 for a total payment of \$372,500. The Licence fees during a possible second year term would be based on the market rent at the time.

Legal Considerations

Over the term of the agreement, the City would grant Bell Mobility a non-exclusive license over a portion of the lands at both Hugh Boyd Park and King George Park, which would be necessary for the operation, and maintenance of the transmission pole. Both sites are currently zoned for School and Public Use (SPU), which support the installation of the proposed facility at the sites.

As part of insurance requirements for the proposed licence, Bell must hold a minimum of five million dollars insurance for each site. Bell will also be required to indemnify the City for all liabilities the City may suffer due to the existence of the facilities in the parks and the granting of the licence. In addition, all issues of confidentiality referred to in the proposed agreement must be changed to reflect that the City is bound by the Freedom of Information and Privacy Act.

Impact to the Park Sites

The impact to Hugh Boyd Park would be minimal. The proposed location is considered to be one of the best locations at the site for this type of application since the components would be blended within a mature grove of trees and the existing tennis courts. The communication pole's service kiosk and equipment controls will be out of visual site in most instances.

By proposing to integrate the installation of Bell's communication pole with the City's existing tennis court lighting system would result in having minimal impact to the park and would serve both purposes. The equipment service kiosk could also be integrated as part of the Pitch & Putt's storage facility.

King George Park would also have limited implications to its site. By proposing to integrate the installation of Bell's communication pole with the City's existing senior softball field lighting system, this would also serve as a lighting pole as well as a telecommunication pole.

Financial Impact

There are no financial implications as a result of the recommendation to permit Bell to proceed with a public information program regarding their proposal to the City.

Upon completion of the public consultation process, should the proposal advance the City would collect from Bell the lump sum payment of \$212,500 in 2007 for the first five years term (2007 to 2011 license agreement). Then starting from 2012, the City would collect an annual payment of \$32,000 until 2017.

Revenue Direction Options:

There are two options in terms of placement of the revenue:

1. The funds would be directed to General Revenue (Recommended).
2. The initial lump sum payment would present the City with an assisted funding source towards the special sports reserve subfund for sports field developments such as the Council's endorsed proposal for the construction of two more artificial turf fields in 2008.

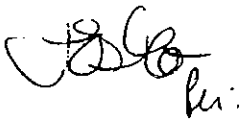
Since the transmission tower can be utilized as a light pole as well, the City would realize an additional cost-savings of re-using the existing light poles at another location.

The City would not have to contribute any funding towards the installation of Bell's proposal and would receive an overall net benefit of \$372,500 by 2016.

Conclusion

The proposal from Bell presents the City with an opportunity to realize an on-going revenue source. Staff had the opportunity to work with Bell in the development of a proposal that would be of mutual benefit, and also contribute to additional revenue sources for the City.

This report recommends authorizing staff to permit Bell to undertake a community consultation process for the proposed installations at Hugh Boyd and King George Park and to report back to Committee once completed with recommended next steps.

Handwritten signature of Mike Redpath in black ink.

Mike Redpath
Manager, Parks - Programs, Planning & Design
(1275)

October 3rd, 2006,

The City of Richmond
Parks Department
5599 Linas Lane
Richmond BC
V7C 5B2

Attention: Mr. Michael Redpath, Manager, Parks-Programs, Planning & Design.

Dear Mr. Redpath,

Re: Proposal for a Bell Mobility Cellular Installation and Tennis Court Lighting at Hugh Boyd Park, Richmond
Bell Mobility Reference B0320:

And for a Bell Mobility Cellular Installation and Baseball Diamond Lighting at King George Park, Richmond
Bell Mobility Reference B0315:

In response to our most recent discussions and after consulting with your department for the past 19 months or so we are pleased to present the following proposal, based on our original proposal, sent to you June 6th 2005, and which referenced only the Hugh Boyd location, and our revised proposal of April 21st of this year.

This new proposal will be structured to provide the Parks Department with both up front, pre paid rental funds and, in five years time, an increased annual cash flow for the second five years rentals for each location and be formatted on the License agreement recently entered into with Rogers.

In addition, as per the anticipated agreement, there will continue to be a \$30,000.00 cash allowance, at each location, to be allocated other park improvements as the City sees fit.

As you know Bell Mobility has been appointed to be the Carrier of Record for the 2010 Olympics in which the City of Richmond is so importantly involved. Although this is not the only reason to improve coverage throughout Richmond, it is an important one.

Continuity of connectivity is not only important to our daily lives in the realities of the wireless world we live in, but is critical when it comes down to safety and security. This will obviously be underscored in 2010 but it should not be discounted out side of that event as Police, Fire, and Ambulance services use cellular services all day every day as well. It is no secret to anyone that there are drop zones and holes in all the carriers' networks and the focused development of new sites is meant to reduce or eliminate those sorts of problems. It is also a matter of record that the City is also a customer of Bell and as such its employees need good coverage in every corner of the municipality.

Bell, in its efforts overcome these issues, tries its best to mitigate the impact of these sites and one way is to make payments to the general community through local government owned properties, such as the South Arm Community Centre, or to perhaps attach field lighting to poles where practical.

In this case, by the proposed Licenses, the benefit would accrue to the parks department and, by extension, to the local sporting community.

As for the financial details of our proposal, Bell offers the following framework for each site.

JO
\$156,250

An agreement made up of an initial term of ten (10) years, at a gross rental amount of ~~\$152,500.00~~ to be paid as an initial installment of \$76,250.00 for each site. The first installment would be paid within 20 days of receipt of the Building Permits. Then, at the commencement of the 6th year of the term, the annual rentals of \$16,000.00 per site per year, (annually in advance), for each location would be paid.

Upon completion of the initial 10 year agreement Bell would have the opportunity for a renewal term for up to another 10 years.

Both of the cash allowances, for the completion of this agreement, would be paid within 20 days of execution of the documents by the City.

The process required to finalize this agreement, Bell's construction budgeting priorities, as well as design and permitting issues, would determine the commencement date. This will not delay payment of the above monies.

Photo simulations of both proposed light standards, at their approved locations, have been delivered to you previously

Bell's equipment will be housed in shelters/or cabinets, near by the poles. At this time we have tentatively identified the locations and have had them acknowledged as being suitable by Parks but approval and design are still outstanding. Bell has designed many variations to shelter their equipment and we are confident that an appropriate solution will be developed quickly.

We have previously provided sample photos of a suggested "look" from Bell's location at 54th and Granville in Vancouver. Whatever blends in best for the Park would be the primary criteria for the design.

Should you require further details please contact the writer at any time.

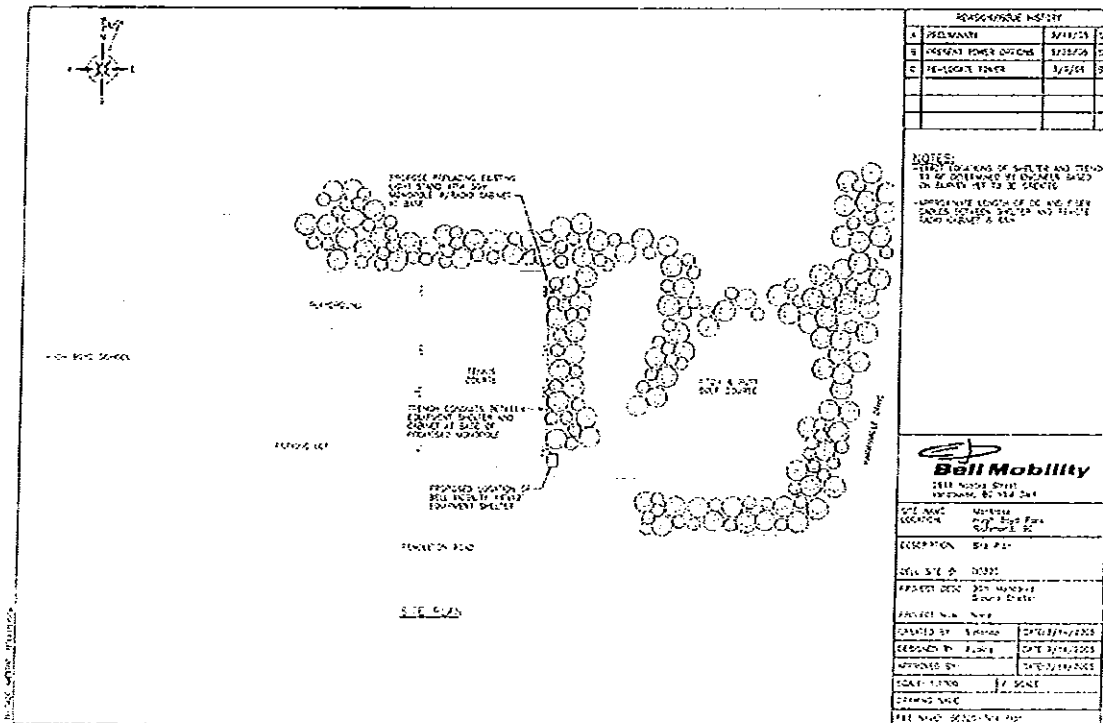
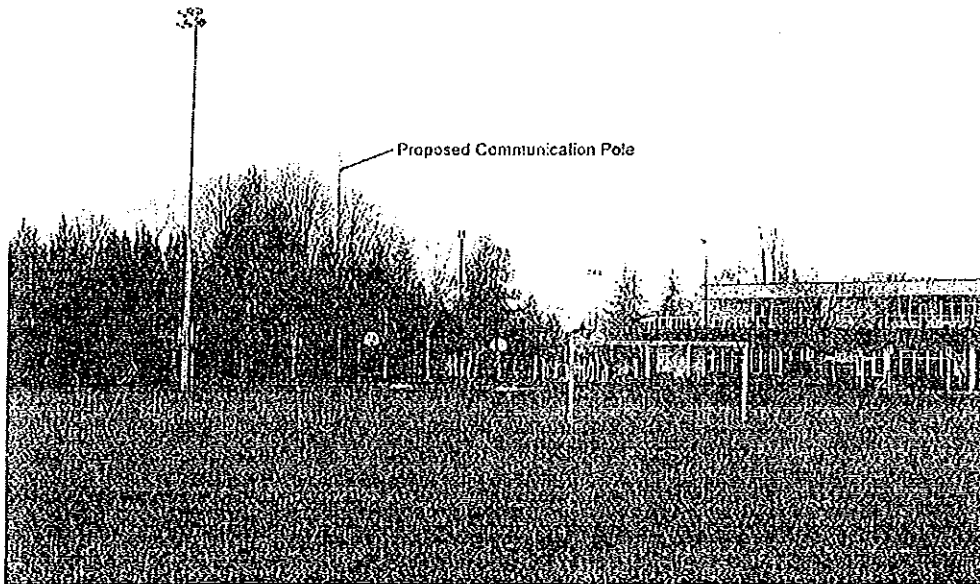
Yours truly,

Ian McBean
Director of Leasing
Scott Land & Lease
Agents for Bell Mobility
604-787-4860

Cc. Mr. Harvey Schmidke, Bell Mobility, New Site Development Manager.

Cc. Mr. Marcus Liu, Parks Technologist.

Proposed communication pole and location at Hugh Boyd Park



Bell Mobility's Current Cellular Coverage Site Analysis

Red denotes weak coverage where improvement is required.

